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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,667	02/20/2004	David M. Shilliday	53982/297547	7279

7590 05/26/2006

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EXAMINER
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WILHELM, TIMOTHY

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,667	SHILLIDAY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy D. Wilhelm	3616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/02/2005</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (6,648,368). Smith et al disclose a protective device 12 for an occupant of a vehicle 10 comprising an inflatable cushion having first 16 and second 20 portions, the first portion 16 being above the second portion 20 when the vehicle is upright, and in which inflation of the second portion 20 commences before inflation of the first portion 16, the second portion 20 comprises a material that decreases in length when inflated and in which the length-decreasing material is distributed substantially uniformly and continuously throughout the second portion 20.

3. Claims 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (6,648,368). Smith et al disclose a protective device 12 for an occupant of a vehicle 10 comprising an inflatable cushion having first 20 and second 16 portions, the first portion 20 being below the second portion 16 when the vehicle is upright, the second portion 16 comprising a material that decreases in length when inflated and in which the length-decreasing material is distributed substantially uniformly and continuously

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throughout the second portion 16. Inflation of the inflatable curtain 16 of Smith et al pulls the inflatable curtain 16 downward out of a cover, under which the inflatable curtain 16 is positioned when uninflated. The material of the first inflatable portion 20 is braided and has a generally circular cross-section and forms a taut, semi-rigid, generally linear member when the first inflatable portion is inflated

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (6,152,481) in view of Smith et al. Webber et al disclose a protective device 40 for an occupant of a vehicle 10 comprising an inflatable cushion having first 51 and second 42 portions, the first portion 51 being above the second portion 42 when the vehicle 10 is upright, the second portion 42 comprises a material that decreases in length when inflated and in which the length-decreasing material is distributed substantially uniformly and continuously throughout the second portion 42. The first portion 51 comprises at least one inflatable node 51 adapted, when inflated, to be positioned at approximately head level of the occupant and further comprises uninflated material 54 adjacent the at least one inflatable node 51. Smith et al teaches a protective device comprising, when in the upright position, a lower portion 20 and an

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upper portion 16 in which the lower portion commences inflation before inflation of the upper portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Smith et al to commence inflation of the lower portion of the protective device before inflation of the upper portion to guide the side curtain airbag assembly into a protective position in a quicker fashion.

6. Claims 7-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (6,152,481) in view of Smith et al. Webber et al disclose a protective device 40 for an occupant of a vehicle 10 comprising an inflatable cushion having first 42 and second 51 portions, the first portion 42 being below the second portion 51 when the vehicle 10 is upright, the second portion 51 comprises a material that decreases in length when inflated and in which the length-decreasing material is distributed substantially uniformly and continuously throughout the second portion 51. Inflation of the inflatable curtain 51 of Webber et al pulls the inflatable curtain 51 downward out of a cover, under which the inflatable curtain 51 is positioned when uninflated. The material of the first inflatable portion 42 is braided and has a generally circular cross-section and forms a taut, semi-rigid, generally linear member when the first inflatable portion is inflated. Regarding claim 12, the first portion also provides protection for the torso. Webber et al disclose the present invention except for inflation of the lower portion 42 commencing before inflation of the upper portion 51. Smith et al teaches a protective device comprising, when in the upright position, a lower portion 20 and an upper portion 16 in which the lower portion commences inflation before inflation of the upper portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to apply the teaching of Smith et al to commence inflation of the lower portion of the protective device before inflation of the upper portion to guide the side curtain airbag assembly into a protective position in a quicker fashion.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al in view of Smith et al and in further view of the teaching of Bark et al (5,322,322). Webber et al in view of Smith et al disclose the invention except for an inflator capable of moving as the inflatable curtain inflates. Bark et al teach a side impact protection system comprising an inflator 22 that moves when the air bag is inflated. Therefore, it would have been obvious to one of ordinary skill in the art the time of the invention to apply the teaching of Bark et al of a moveable inflator to the side protection system of Webber et al in view of Smith et al to save material in the construction of the inflatable curtain.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al in view of Smith et al and in further view of the teaching of Bark et al (5,322,322). Webber et al in view of Smith et al disclose the invention except for an inflator capable of moving as the inflatable curtain inflates. Bark et al teach a side impact protection system comprising an inflator 22 that moves when the air bag is inflated. Therefore, it would have been obvious to one of ordinary skill in the art the time of the invention to apply the teaching of Bark et al of a moveable inflator to the side protection system of Webber et al in view of Smith et al to save material in the construction of the inflatable curtain.


**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walsh (US 2005/0012313) discloses a side curtain airbag 12 with a moveable inflator 28. Welch (6,042,141) discloses a side curtain airbag comprising a first and a second portion in which inflation of the second portion, being below the first portion when the vehicle is in an upright position, commences before inflation of the first portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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